

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES E. GAMBRELL,)	
)	
Petitioner,)	Case No. 1:12-cv-176-SJM-SPB
)	
v.)	
)	
UNITED STATES GOVERNMENT,)	
)	
Respondent.)	

MEMORANDUM ORDER

The instant petition for writ of habeas corpus was received by the Clerk of Court on August 2, 2012 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Report and Recommendation, filed on April 4, 2013 [7], recommends that the instant petition for writ of habeas corpus be dismissed with prejudice for lack of subject matter jurisdiction. Petitioner was allowed fourteen (14) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at FCI-McKean, where he is incarcerated. To date, no objections to the Report and Recommendation have been filed by the Petitioner.

After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 25th day of April, 2013;

IT IS ORDERED that the instant Petition for Writ of Habeas Corpus shall be, and hereby is, DISMISSED with prejudice for lack of subject matter jurisdiction.

The Report and Recommendation of Magistrate Judge Baxter, filed on April 4, 2013 [7], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter